

**November 30, 2006 Minutes of
Bigfork Land Use Advisory Committee**

Members present: Phil Hanson, John Bourquin, Paul Guerrant, Clarice Ryan, Darrel Coverdell, Mary Jo Naïve, Shelley Gonzales

Chairman Bourquin called the meeting to order at 4:05 PM, and called for adoption of the agenda. Bourquin requested adding to the agenda, under new business, the status of Rocky Mountain Recreation Communities, LLC application dated 9-28-06 be added. Agenda was approved with the addition.

Minutes of the November 21, 2006 meeting were approved.

APPLICATIONS:

A request by Rocky Mountain Recreation Communities, LLC for Preliminary Plat approval of Harbor Village at Eagle Bend-Lake Point Phase 2BB, a four (4) lot single-family residential subdivision on 3.11 acres. All lots in the subdivision are proposed to have public water and sewer systems. The property is located off Lake Point Drive, which is access from Holt Drive.

Staff: Tracy Sears-Tull reported information from FEMA received related to elevations indicated prior uses of the area in question (nursery, excavation and material storage) had caused a change in elevation. Original elevation was higher and would require filling, which is approved by FEMA.

Applicant: Brian Long, Long Engineering, stated phase 2BB of Lake Point subdivision would include four lots at the end of the stub road. The development would include fill to 28.95 ft, two feet above the flood plane. The structures will have no crawl spaces or basements. Construction will be on shallow foundations with in-floor heating. The site was previously used as a refuse area by the golf course. Just south of the area is a waterfowl production area. An existing canal would provide a buffer for the waterfowl production area, plus a 50-foot setback on all lots. There is no letter of objection to the project and applicant feels they have addressed all the issues of concern.

Dan Manning, Project Manager, noted the DNRC had reviewed the site and determined that the site had been altered by previous use of the golf course operation.

Paul Guerrant: Asked ground water level. Answer: 28.92 feet

Clarice Ryan: Questioned how storm run-off would be handled. Answer: Collection pond in Lake Point. Ryan asked if this is the same collection point for the storage facility to the east and how will pollution be handled. Answer: The pond in Lake Point is the same collection area for the storage facility. DEQ sets standards for mitigating pollution.

Paul Guerrant: Does the road remain in the flood plane? Answer: All of the building area, including roads will be elevated to 28.95 feet.

John Bourquin: Isn't it true that most of Harbor Village development used fill to elevate above the flood plane? Answer: Yes, with a permit from the Army Corps of Engineers.

Shelley Gonzales: Did the Army Corps of Engineers give a permit to fill? Answer: No fill was inside the flood plane.

Darrel Coverdell: Expressed concern about the bird refuge and the introduction of dogs and cats to an area so close to the refuge. There is no water barrier. Is it possible to construct a barrier to keep domestic animals out? Answer: The area has a leash law.

Clarice Ryan: Does the access road come off Lake Point Drive? Answer: Yes

John Bourquin: Concerned that connection to water and sewer is confirmed only by telephone conversation, not confirmed by a "will serve" letter. Answer: The project will need a "will-serve" letter for the final plat approval.

Phil Hanson: Does a "will-serve" letter mean a guarantee of service? Answer: Not without a confirmed date for service. They will ask the letter be dated.

Shelley Gonzales: If you receive only a form “will-serve” letter, you may be developing at your own risk.

Public Comment:

Craig Wagner: The subdivision regulations require an estimate of the amount of sewage. You have not accomplished that.

Staff: The flood plane requirements are unique due to the historical information.

Phil Hanson: The whole area has historically been a swamp.

John Bourquin: Who polices the leash laws? Answer: The property owners police the leash law.

Darrel Coverdell: Would like to see a condition for a pet barrier.

Paul Guerrant moved the application be approved. Clarice Ryan seconded the motion.

Darrel Coverdell moved to amend the motion to include a condition adding pet proof fencing along the border of the wildlife refuge.

Shelley Gonzales: Concerned about storm run-off. How is run-off carried to the pond? Answer: Down the road to the pond.

Question was called. Motion, including the amendment condition, was approved with five voting approval and Phil Hanson and Mary Jo Naïve dissenting.

Staff: Tracy Sears-Tull noted with the approval, there are two lots remaining to be developed in the Harbor Village subdivision.

The Flathead County Planning Board will hear the application on December 6, 2006, 6:00 PM at the Planning Office at 1035 First Avenue West, Kalispell.

OLD BUSINESS:

A: Status on 3 applications:

Rocky Mountain Recreation Communities, LLC: Approved with a condition to road access and reduced the residential lots to one.

Norskog: Postponed until January

Johnson: Approved 3-1

B. Bylaws-Policies & Procedures:

Shelley Gonzales moved to further amend the Bylaws to change the filing of petitions for election deadline to 75 days. Paul Guerrant seconded the motion. Motion passed unanimously.

Darrel Coverdell made the motion to approve all Bylaw amendments. Shelley Gonzales seconded the motion. Motion passed unanimously.

The amended Bylaws will be forwarded to Jeff Harris at the Flathead County Planning Office for review and scheduling with the Flathead County Commissioners.

Phil Hanson moved the Policies & Procedures be approved. Paul Guerrant seconded the motion. Motion passed unanimously.

The Policies & Procedures will be forwarded to Jeff Harris at the Flathead County Planning Office for review.

C. Mac Hanger and Richard Jochim re: Ponderosa Boat Club

Mac Hanger stated that 100% of the 30 neighbors surrounding the area approved for boat storage at the Ponderosa Boat Club development oppose the variance to allow boat storage. They projected photographs

of the strip behind the U.S. Post Office showing the fencing and fast growing trees planted in the area. He stated the boat storage would create an eye sore and reduce property values of the neighbors in the area. He contends the adjoining neighbors were never notified of the variance to allow boat storage in the development. In the presentations of the developer, the area was originally shown as a common area; open area or secondary access road. The variance for boat storage was added very late in the application process and the neighbors were not properly notified of the change. Hanger and Jochim, representing the neighbors asked for help from BLUAC.

Carol Venable: There must be some rules to deal with this.

Craig Wagner: Noted the Zoning Regulations refer to an appeal process.

Secretary Hanson was asked to contact Jeff Harris, Flathead County Zoning Director, for information of an appeals process or other remedy available to the public.

NEW BUSINESS:

A. Kevin Coats-informal request for a zone change from SAG 10.

Kevin Coats, 307 Chapman Hill Road, produced drawings of a proposed triplex for unassisted senior living. He noted that his one acre property is surrounded by R2 zoning. Since the property is too small for a PUD in Flathead Subdivision Regulations, development potential is limited because of the small acreage. He also pointed out that the 2005 Bigfork Survey identified the need for more senior housing in the zoning area. Coats asked for assistance in identifying a zoning designation, which would allow for a triplex. He stated the architecture would be compatible with the surrounding development.

Paul Guerrant: Will the senior living be licensed? Answer: No, they are considering hiring a caretaker for the property.

John Bourquin: Noted that to qualify for a PUD and density flexibility, he needs 2 acres.

Darrel Coverdell: Would zoning of RA1 be appropriate? The county did not offer that possibility.

John Bourquin: There is resistance to spot zoning. In order to obtain a PUD, you have to provide open space. There isn't enough room with one acre.

Shelley Gonzales: Suggested looking into R1 (suburban residential, page 43 of Zoning Regulations) and Page 10 of the regulations, Administrative Permit Use Procedure.

Pat Wagner: How many people would the complex accommodate? Answer: The triplex would be three one-bedroom units, suitable for a single person or couple.

Coats was encouraged to approach the county again for a remedy.

B. Library potential new location

Paul Mutacio, President of Citizens For a Better Bigfork, proposed BLUAC endorse a letter to the Flathead County Commissioners with the concept of moving the Bigfork Library to the location of Potoczny Field, adjacent to Holt Drive. The U.S. Forest Service deeded the 2.3 acres to Flathead County. The CFBB owns the present building where the library is located in Bigfork Village. The site has become too small for full services of the library. Kim Crowley, Director of Flathead Library Services, approached the CFBB for help in locating an appropriate site to build a larger library facility. Potoczny field is equal distance from Bigfork Schools as is the present library. The endorsement letter proposes to move Potoczny field to the Carlyle Johnson Park where space is available for an additional ballpark and build a new library at the site owned by Flathead County. To date, the letter of support has been signed by the CFBB, Bigfork Area Chamber of Commerce, Bigfork School District and the Bigfork Steering Committee.

Paul Guerrant: Concerned about losing a park in the Bigfork area. We're taking away something that is convenient for kids and off a major highway. Where are the funds to move the park? Answer: Crowley noted that the area is 2.3 acres and if a library were built there, there would be room (approximately 1 acre) for a small park area. The CFBB will commit funding to move Potoczny field and is also looking at funding bike paths along Holt Drive.

Clarice Ryan: I can see a need for a public service area adjacent the post office. It would be nice to have a bike path down to the north beach area of Flathead Lake.

Paul Mutacio: We feel it is important to have a cohesive voice from the community.

Mary Jo Naïve: Rick Trembath spoke to BLUAC about incorporating Forest Service property into a community hub. This is all conjecture.

Carol Venable: The BSC would like to see cooperation in Bigfork for planning ahead. Holt Drive has traffic problems already.

John Bourquin: We need a big picture here. We need to be the visionaries. I see the need to plan for a future administrative service area.

Dave Hilde: As a member of the Flathead County Library Board, we have been five years pursuing a location for a new library. Something needs to be done to get this started. We're not talking specifics yet.

Pat Wagner: How close is Potoczny park to the park area in Crestview? Answer: There is no direct access to the park area in Crestview.

John Bourquin: Have you looked at the site in Crestview? Answer: The library needs to be on a main road with easy access and adequate parking.

Jesse Gonzales: I feel you need to give them a chance to get the concept started.

Carol Venable: I believe there has been a change since this was proposed to the BSC. Today, at the BSC meeting, we were informed that the Fire Department is still interested in relocating to the area. Would the present site of the Fire Department be suitable for a library? Answer: We have not considered that. The Hwy 35 expansion would reduce the parking area.

Shelley Gonzales moved BLUAC sign the letter of support to open the initial discussion with the Flathead County Commissioners. Darrel Coverdell seconded the motion. The motion passed 5-2 with John Bourquin and Paul Guerrant dissenting.

Meeting was adjourned at 6:50 PM

Sue Hanson
BLUAC Secretary